

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

DWAYNE E. FREEMAN, )  
                          )  
                          )  
Plaintiff,            )  
                          )  
                          )  
v.                     )                   1:23CV294  
                          )  
                          )  
SGT. KIM, *et al.*, )  
                          )  
                          )  
Defendants.          )

**ORDER**

The Order and Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on January 30, 2024, was served on the parties in this action. (ECF Nos. 3, 4). Plaintiff filed Objections to the Magistrate Judge's Recommendation. (ECF No. 5.)

The Court has reviewed Plaintiff's Objections and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. The Court therefore adopts the Magistrate Judge's Recommendation.

**IT IS THEREFORE ORDERED** that Plaintiff's claims be **DISMISSED** pursuant to 28 U.S.C. § 1915(c)(2)(B) for failure to state a claim on which relief may be granted, without prejudice to Plaintiff refiling his claims on the proper forms if he believes he can state a proper claim against a proper defendant under § 1983.

A judgment dismissing this action will be entered contemporaneously with this Order.  
This, the 28<sup>th</sup> day of February 2024.

\_\_\_\_\_  
/s/ Loretta C. Biggs  
United States District Judge